



U.S. Department of Justice

MEMO ENDORSEMENT

United States Attorney  
Southern District of New York

86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007

October 21, 2004

By Hand

The Honorable Lewis A. Kaplan  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1310  
New York, NY 10007

**Re: American Steamship Owners Mutual  
Protection and Indemnity Association, Inc.  
v. Alcoa Steamship Co. et al., 04 Civ. 4309 (LAK)**

Dear Judge Kaplan:

This Office represents defendant United States Maritime Administration ("MARAD") in the above-referenced action. We write respectfully to request a nunc pro tunc extension of the Government's time to respond to the Second Amended Complaint. The Government's response was due on October 8, 2004, and we request an extension to November 22, 2004. The Government requests the extension nunc pro tunc because this Office only received notice that it was representing MARAD on September 28, 2004, and the undersigned, who was subsequently assigned the matter, began a trial before Judge Ellis on October 4, 2004. Upon discovery that the Answer had been due on October 8, we contacted plaintiff's counsel to discuss the matter, and the Government's position that MARAD was never a member of the

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SO ORDERED  
*Granted*

LEWIS A. KAPLAN USDJ  
10/25/04

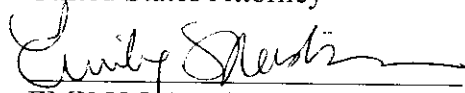
American Club, the conduct of which is the subject of the Second Amended Complaint. We respectfully request the extension to November 22, 2004, to permit the parties to determine whether MARAD is a proper party to this action. Plaintiff's counsel consents to this request. This is the Government's first request for an extension of time in this matter.

Thank you for your consideration of this request.

Respectfully submitted,

DAVID N. KELLEY  
United States Attorney

By:

  
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